THE CHARTER

OF

KING HENRY THE FIRST

TO

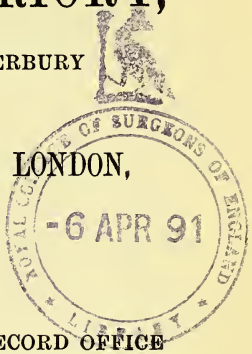
ST. BARTHOLOMEW'S PRIORY,

ADDRESSED TO THE ARCHBISHOP OF CANTERBURY

AND TO

GILBERT THE UNIVERSAL, BISHOP OF LONDON,

IN THE YEAR 1133.



EDITED, WITH NOTES, FROM THE COPY IN THE RECORD OFFICE

BY

NORMAN MOORE, M.D.,

FELLOW OF THE ROYAL COLLEGE OF PHYSICIANS; ASSISTANT PHYSICIAN TO ST. BARTHOLOMEW'S HOSPITAL;

ON THE OCCASION OF

The Restoration of the South Transept to the use of the Church

BY THE

RIGHT REV. THE LORD BISHOP OF LONDON

ON MARCH 14, 1891.

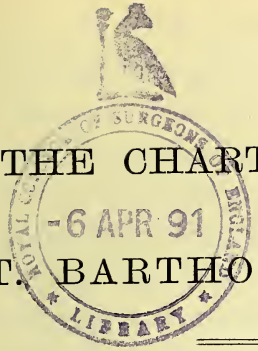
PRICE SIXPENCE.

SOLD AT THE VESTRY FOR THE BENEFIT OF THE CHURCH.

1891.

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THE CHARTER OF HENRY I

GRANTED TO

ST. BARTHOLOMEW'S PRIORY.

THE Bishop is the oldest constituted authority in London. St. Earconwald presided over the see more than a century before there was a king of England; and when Ecgberht came to exercise the general sway which made him the first king of England, the Bishop of London and the cathedral of St. Paul were both in existence.

The church of St. Bartholomew the Great, the most ancient ecclesiastical building in the City still devoted to its original use, owed its foundation in part to one Bishop of London, while its earliest charter is addressed to his successor.

Rahere, the founder, on his return from the pilgrimage to Rome on which he had vowed to found first a hospital and then a priory, sought the help of the Bishop of London, and by it obtained from King Henry I the land on which to build his two foundations.

This bishop was Richard de Belmeis, a very active ecclesiastic and statesman. He probably came from Bellême, in France, as he first appears in history among the followers of the son of the Norman earl who has given his name to the Welsh county of Montgomery, and whose mother was heiress of the castle of Bellême. This earl was knighted in the field by William the Conqueror, and

as Earl of Shropshire ruled a palatinate on the borders of Wales. His son Robert took arms against Henry I, and thus lost his principality. Richard, who had remained faithful to the king, was appointed ruler of Shropshire, which was an almost independent territory. He had power of life and death, and other rights of sovereignty. Wales was in much the same relation to England at the time that Afghanistan is to our present Indian Empire, and Richard became deeply skilled in Welsh politics, the chief object of his diplomacy being to keep the Welsh princes from attacking him by constantly encouraging them to attack one another. All this time he was a churchman in little more than name; and when in 1108 the king wished him to be Bishop of London, he was ordained priest by the famous Anselm, the Archbishop of Canterbury, at Mortlake, on May 24th, 1108. He was consecrated Bishop July 26th in the same year. Anselm was a little doubtful, as one of his letters shows, whether this subtle viceroy would make a good bishop. Richard, however, did much for London, and spent on its cathedral some of the revenues which he drew from Shropshire, for he did not give up his office on the Welsh border. We who live near the great cathedral have cause to bless him to this day, for he bought and pulled down the houses which stood against it, and so made the open space which still remains round St. Paul's. Those who go to the early service there as they walk westward into the churchyard generally meet a refreshing morning breeze, and this they owe to Richard of Bellême. That if he had not bought and pulled down the buildings it would now be declared impossible to make a space, may be known by the successful opposition which the proposal to enlarge the

churchyard at its eastern end met with when, a few years ago, St. Paul's School was removed from its ancient site.

He helped Rahere to found St. Bartholomew's Hospital as well as this Priory, so that besides the citizens who attend St. Paul's, all the patients who in seven centuries have been healed in the hospital owe some share of gratitude to this Bishop of London.

He himself enlarged or founded another Augustinian Priory at Chich, now called St. Osyth's, in Essex. The present parish church of the village was probably built in his time, but of his monastery only a fine gateway much later than his day remains.

The life of Rahere, written in the reign of Henry II, states distinctly that it was in his episcopate and by him that the priory was consecrated. "The church was founded in the month of March in the name of our Lord Jesus Christ, and in memory of the most blessed Bartholomew the Apostle, the year from the incarnation of the same Lord our Saviour 1123; and Richard was Bishop of London, who of due law and right consecrated that place." The date is confirmed by the fact that the archbishop was only elected February 4th, 1123, and that the bishop himself had an attack of paralysis in the latter half of 1123.

He retired to the Priory of St. Osyth, in Essex, which he had founded, and there died January 16th, 1128. It is our duty to remember him with gratitude, and to preserve his memory better than past generations have his tomb, of which no trace now remains at St. Osyth's, where he was buried.

Ten years after the consecration of this church, and in the episcopate of Gilbert the Universal, Richard's suc-

cessor, the king granted a charter of privileges to Rahere, and to the convent over which he presided. This charter, the earliest which the Priory possessed, granted to it numerous franchises, the right of free election of its head, and the right of peaceful holding of a fair. The document possessed by the prior and canons was probably surrendered to King Henry VIII, and is no longer extant; but it had been produced for confirmation several times during the Middle Ages, and an authorised copy of it, probably transcribed in the reign of Henry III, was kept in the Tower of London, and is now preserved in the Record Office in Fetter Lane.

It seems appropriate to publish in print this ancient charter, the first actual contemporary record of the relationship between the Bishop of London and this Church of St. Bartholomew on a day when a Bishop of London has honoured the church by his presence for the purpose of restoring to its proper use the south transept —an ancient part of the building long excluded by dilapidation from the body of the church.

Gilbert, who was bishop in 1133 was called the Universal, from his extended knowledge. The century in which he lived was one of religious and literary revival. Old manuscripts in libraries were displaced by new, and fresh courses of study and more active teaching came into use. The old learning and ancient methods were thought obsolete; and many new books were written, the ideas of which continued to be the intellectual food of Europe till the revival of Greek learning and the invention of printing gave a new and still greater impulse to the thoughts of men.

Gilbert was first famous as a teacher. He was a lecturer at Auxerre and at Nevers, and expounded the Old

and New Testaments, and it was thought that he and Alberic of Rheims were the two greatest teachers in France. His treatise on Lamentations still remains.

A week after Bishop Richard's death Gilbert was consecrated Bishop of London. In 1129 he took part with Archbishop Corbuil and other bishops in a council held in London on the subject of the marriage of the clergy. The council decided in favour of celibacy, but the king differed from them, and owing to the simple confiding disposition of the presiding archbishop, says a contemporary chronicler, succeeded in making the decision of the council of little practical effect.

The same chronicler, Henry, Archdeacon of Huntingdon, wrote a letter to a friend on contempt of earthly things, in which he mentions as lessons the falls of princes in his own time, the loss of William, son of Henry I, in the White Ship, the disappointments and unhappy ends of politicians of the day, and the deaths or failures of scholars and ecclesiastics. "In my own life," he says, "I have known four Bishops of London,—Mauricius, afterwards Richard, then Gilbert the great philosopher, and now Robert." Of Gilbert he says, "There was not between this and Rome his equal in knowledge. He was most learned in the arts, original and uncommon in thought, therefore in renown famous and brilliant. For which reason, when presiding over the schools at Nevers in France, he was called to the highest ecclesiastical office in London; and having been called, came to it."

Gilbert was thus, like our present bishop, a great instructor as well as a patron of St. Bartholomew's Church in Smithfield; and to both of them the words of the chronicler Henry of Huntingdon may justly be

applied, "Artibus erat eruditissimus." He was most learned in grammar, logic, rhetoric, astronomy, geometry, arithmetic, and music.

The following is a translation of the charter addressed to Gilbert, Dr. Temple's predecessor, to the Archbishop of Canterbury, and to the king's lieges in general:

"In the name of the holy and undivided Trinity, Father, Son, and Holy Ghost. I Henry, King of Englishmen, to William, Archbishop of Canterbury, and Gilbert, Bishop of London, and to all bishops, and abbots, and earls, to barons, justices, sheriffs, viscounts, and officials, and to all men, and to his faithful subjects, and to the citizens of London, greeting.

"Know ye, that I have granted, and have by this my charter confirmed, to the church of St. Bartholomew of London, and to Rahere the Prior, and the Canons Regular, in the same church serving God, and to the poor of the Hospital of the same church, that they be free from all earthly servitude and earthly power and subjection, except episcopal customs, to wit, only consecration of the church, baptism, and ordination of clergy; and that as any church in all England is free, so this church be free, and all the lands to it appertaining, which it now has, or which Rahere the Prior, or the Canons, may be able reasonably to acquire, whether by purchase or by gift. And it shall have socc and sacc, and thol and theme, and infogheneteof; and all liberties and free customs and acquittances in all things which belong to the same church, in wood and in plain, in meadows and pastures, in waters and mills, in ways and paths, in pools and vineyards, and marshes and fisheries, in granges and copses, within and without, and in all places now and for ever.

" This church, moreover, with all things that appertain unto the same, know ye that I will to maintain and defend, and to be free as my crown, and have taken into my hand in defence against all men. Wherefore I grant to Rahere, and to the same church, in all its own jurisdiction and possession, the breach of peace and fight made in the house, and the invasion of house or court, and all forfeitures made in its own jurisdiction, and forestal and flemenefermdeth, in the way and without, in the feast and without, in the city and without; also, that it may have discussions of causes and the rights of causes concerning every plea, which may happen in their land, and all customs, whether in ecclesiastical things or secular, as fully and freely as I should have of my own domain and table. I release also and acquit Rahere the Prior, and the aforesaid church, and all belonging to the same, of shire and hundred of pleas, and plaints and murders, and scutage, and gelds and danegelds, and hydages, and sarts and assizes, and building and repairs of castles, or the rebuilding of camps or bridges, of enclosing parks, of drawing timber or other things, of ferdwit and hegwit, of wardpane and avepane, and bloodwite, and fictwite, and childwite, of hundredespane, and echincpane, and muthbryche, and meschennige, and schewigt, and fridsoke, and westgeiltheof, of wardwithe and utlage, and forevenge, and withfange; and they be quit in all my land of the tollage and passage, and pontage, and lastage, and stallage, and of all secular service in land and in water, and ports of the sea, so that they be loaded with no burdens of expeditions, or occasions or aids of sheriffs or reeves of the hundred, or of episcopal officials. I forbid also by my royal authority, that any man, whether my minister or any other in my whole land, be trouble-

some to Rahere the Prior, or the aforesaid church, concerning anything which belongs thereto; or introduce himself without the consent of the prior or brethren; and that no man, of the clergy or laity, presume to usurp dominion of that place.

"I confirm also all privileges and donations and charters, both which it has or is about to have, from kings, from popes, or other faithful persons whatsoever. And whatsoever shall be remembered and proved to have been justly granted and acquired by the same church, by writing or by the testimonies of good men, that no person presume, upon any pretence, claim, judgment, or power, to take or disperse the same.

"After the death, moreover, of Rahere the Prior, out of the same assembly let him who is worthy be chosen; but let no one be chosen from elsewhere owing to the influence of prelates or princes, unless in open decision no one can be found worthy of such office, and if it should happen that there is no one fit, let them have the power of choosing a prior from some other known and friendly place. But the possessions which have been there given, or purchased by any persons, whether separated from the church by the consent of the chapter, or reduced to a small service, may be recalled by our royal privilege and authority, and let that place be perpetually defended by the protection of kings. And let the prior himself, serving the king alone, abundantly cherish, with spiritual and temporal food, the flock committed to him.

"I grant also my firm peace to all persons coming to and returning from the fair, which is wont to be celebrated in that place at the feast of Saint Bartholomew; and I forbid any one of the royal officials to send to

implead any one, or without the consent of the canons on those three days, to wit, the eve of the feast, the feast itself, and the day following to demand customary dues from them.

"And let all the people of the whole kingdom know, that I will maintain and defend this church, even as my crown; and if any one shall presume in any thing to contradict this our royal privilege, or shall offend the prior, the canons, the clergy, or laity of that place, he, and all and every thing that belongs to him, shall come into the king's power.

"And all these things I have granted to the said church for ever, for the love of God and the welfare of myself and of my heirs, and for the souls of my ancestors. Therefore I adjure all my heirs and successors, in the name of the Holy Trinity, that they maintain and defend this sacred place by royal authority, and that they grant and confirm the liberties by me granted to it.

"And the witnesses of this my grant are Henry, Bishop of Winchester; Roger, Bishop of Salisbury; Bernard, Bishop of St. David's; Geoffry the Chancellor; Stephen, Earl of Mortaigne; William de Albini, the Breton; Alberic de Vere; Richard Basset; Milo de Gloucester; Pain Fitz John; Robert de Curci; Hugh Bigot, and many other barons of my kingdom.

"And this charter I have made and ordered to be confirmed at Westminster, in the year of our Lord's incarnation 1133, and in the 33rd year of my reign."

Some of the expressions of the ancient lawyers are difficult to construe, and the many quaint terms which are to be met with in most such charters, with their advantages or necessity could only be explained by the learning of a Blackstone or of an Elton. The terms

refer to English rights, and illustrate the grounds on which Henry I was sometimes praised as a restorer of the ancient laws, merely, as Sir Edward Coke remarks, "because he abolished such customs of Normandy as his father had added to our common laws."

The final exhortation—"Therefore I adjure all my heirs and successors, in the name of the Holy Trinity, that they maintain and defend this sacred place by royal authority, and that they grant and confirm the liberties granted by me to it"—was not without effect; for attached to the copy of this charter in the Record Office are others of Henry's successors, Henry II, Richard I, John, and Henry III.

The approximate date of the charter is determined by the fact that Geoffry the Chancellor was made Bishop of Durham on August 4th, 1133; and on that day also the thirty-third year of the king's reign came to an end. It was therefore granted after Lady Day and before Lammas.

The archbishop to whom it was addressed was a friend of St. Bartholomew's Church, for he was himself an Augustinian canon, and had been prior of Bishop Richard's foundation of Chich, or St. Osyth's.

He was not a very clever man, says Henry of Huntingdon, who relates that Henry deceived the bishops owing to the unsuspecting simplicity of William Corbuil, the archbishop. Nor was he very firm, for though he had sworn allegiance to the Empress Maud, he placed the crown on the head of Stephen. He died soon after, and some of his contemporaries regarded his death as a fit punishment for this breach of his oath.

The witnesses were among the greatest men of the time, and most of their names appear again and again in

William of Malmesbury's account of the wars of King Stephen.

The Bishop of Winchester, Henry of Blois, was a younger brother of Stephen, whom he proposed for king; and later it was he who arranged the succession of the son of Maud. He ordained Becket, and lived to see the whole of his career. The Hospital of St. Cross, near Winchester, which he founded, remains a beautiful memorial of him to this day.

The Bishop of Salisbury, a favourite of the king, had obtained almost everything he had asked for, and when the wars began he was a violent partisan of Stephen. Roger's cathedral stood in that long-deserted city, of which Burke wittily said that there "they only know the streets by the colour of the corn, and their only produce is members of Parliament;" but a stone slab with a figure in low relief, which is said to be his tomb, was brought from Old Sarum, and may be seen in the nave of Salisbury Cathedral. He gave St. Sepulchre's Church in London to Rahere.

Bernard was another Norman prelate, and he brought St. David's, formerly a sort of Welsh archbishopric, under subjection of Canterbury.

Geoffry the Chancellor was a trusted friend of the king. He long held the office; and Sir William Dugdale quotes this very document in proof of the existence of the Chancellorship in Henry's reign.

The Earl of Mortaigne, is of course the brother of the Bishop of Winchester, who two years later seized the crown, and held an often-disputed sway over England as King Stephen for nineteen years. It is worth note that the year of this charter is that of the birth of Stephen's successor, Henry of Anjou.

William de Albini, the Breton, was the builder of the oldest part of the fine church still standing at Wymondham in Norfolk, and visible from the Great Eastern Railway on the north side of the line to Norwich. He was chief butler to King Henry I, and was made Earl of Arundel by the Empress Maud, whom he supported. A relative of his was one of the first abbots of St. Alban's Abbey, and both he and his father gave estates to it. When he made his grant he desired to be admitted into the fraternity of the Abbey, as his father, Robert, had been.

Alberic de Vere was the king's chamberlain, and was famous in his day for knowledge of the law. An oration of his in defence of the arrest of Bishop Roger, and other acts of Stephen, delivered at Winchester in 1139, and preserved by Henry of Huntingdon, shows much subtle reasoning, and may perhaps be considered the earliest extant speech in England of a counsel learned in the law.

He could perhaps write, and was certainly the most learned of the laymen. He has sometimes been spoken of as the first lawyer who founded a great family in England. Twenty Earls of Oxford were descended from him, of whom the last died in 1702. Alberic was killed in a fight in the streets of London.

Milo was Earl of Hereford, and governor of the castle of Gloucester. He did some hard fighting against the Welsh when they were besieging Cardigan, and it is a curious coincidence that the next witness, Pain Fitz John, lost his life in the same war.

Milo de Gloucester was a supporter of the Empress Maud, and Robert de Curci was her sewer. He founded a convent of Benedictine nuns at Canyngton in Somerset.

Hugh Bigot, King Henry's seneschal, gave most important assistance to Stephen by solemnly swearing that King Henry while dying had in his presence released his vassals from the oath they had taken in favour of Matilda.

The witnesses are a group characteristic of their time: a royal claimant, who held his throne by force of arms and led his vassals into many a fight; four bishops, of whom all were active politicians, while one at least, if he did not use arms, had certainly been present in the field as a general, and all had had their share in the art of fortification; the rest knights, accustomed to ride into battle and to wear chain-mail; firm believers in—

> "The good old rule, the simple plan,
> That they should take who have the power,
> And they should keep who can."

War was in some sense the occupation of all the witnesses,—a king who fought for his crown, bishops who defended their rights by solid fortifications, a fighting advocate, and fighting lords; but in spite of the roughness of their times they believed in more than their swords, and it is to these very men that we owe the Hospital of St. Cross, at Winchester, the Church of Wymondham, and many other religious buildings in the solid Norman style, so solemn, so suggestive of a well founded faith, and of a religion perfect, simple, and everlasting. The Church of St. Bartholomew the Great is in the architecture with which they were familiar, and is itself one of the good things which their generation bequeathed to us, and which has fortunately been preserved for London from the days of Gilbert the Universal to those of Frederick, Bishop of London—prelates separated by more than seven centuries, but united in the desire of aiding this noble church.

CARTA HENRICI REGIS PRIMI FUNDATORIS ECCLESIE SANCTI BARTHOLOMIE DE SMETHFELDIA.

In nomine sancti et individue trinitatis patris & filij et spiritus sancti Ego Henricus Rex Anglorum *Willelmo* Cantuarie Archiepiscopo et *Gilberto* Londoniensis Episcopo et omnibus Episcopis & Abbatibus & Comitibus Baronibus Justiciariis vicecomitibis ministris & omnibus hominibus & fidelibus suis & civibus Londonie salutem. Sciatis me concessisse & hac carta mea confirmasse Ecclesie beati Bartholomei de London & Raherio priori & Canonicis Regularibus in eadem Ecclesia Deo servientibus & pauperibus Hospitalis eiusdem Ecclesie quod sint liberi ab omni terrena seruitate et terrena potestate & subjectione preter Episcopales consuetudines uidelicet tantum consecrationem Ecclesie baptismum & ordinacionem clericorum vel sicut aliqua Ecclesia in tota Anglia magis est libera sit et hec Ecclesia libera & omnes terre ad eam pertinentes quas nunc habet vel quas raconbiliter adquireri poterit. Raherus Prior uel Canonici sive emptione siue dono. Et habeat soccam & saccam & thol & theiam & infoghenteof & omnes libertates & liberas consuetudines & quietudinis in omnibus que ad eandem Ecclesiam pertinent. In bosco & plano in pratis & pasturis in aquis & molendinis in uijs et semitis in stagnis & uiuarijs & mariscis & piscarijs & grangis & virgultis infra burgum & extra et in omnibus Locis nunc & in perpetuum. Hanc autem Ecclesiam cum omnibus que ad eam pertinent sciatis me velle manutenere et defendere et liberam esse sicut coronam mean et accipisse in manu mea & in defen-

sione contra omnes homines. Quamobrem concedo Raherio Priori & eidem Ecclesie in omni iure suo & possessione sua pacis fracturam & pugnam in domo fractam & domus vel curie invasionem & omnes assultus & omnia forefacta in suo iure facta et forestal & flemenefermdeth in uia & extra in festo & extra in vrbe & extra. Causarum etiam disenssiones habeat & iura causarum de omni placito quod in terra suaeuenerit. Et omnes consuetudines siue in Ecclesiastices siue in secularibus tam plene et libere sicut ego haberem si essent de meo dominio et mensa. Relaxo etiam et quietos clamo Raherum Priorem et prefatam Ecclesiam et omnes pertinentes ad eam de syra et hundredo de placitis & querelis & murdredis & scutagio & geldis & danegeldis & hydagijs & sartis & assisis & operacionibus & fractionibus castellorum uel restructione castrorum seu pontium de parcis claudendis de lignis vel alijs rebus transvehendis de fendvvita et hegwita de wardpani auerpani de blodwite & fictwite & childwite & de hundredespani & hechincpani & de muthbryche & meschennige & schewigt & de fridsochne & westgeiltheof & de wardwithe & vtlepe & foruenge & withfange. Et sint quieti in omni terra mea de omni theolonio passagio & pontagio et lestagio & stallagio & omni seculari seruitio in terra & in aqua & in portubus maris ita ut nullis grauentur oneribus expeditionum vel occasionibus vel auxilijs vicecomitum vel prepositorum hundredi vel pontificalium ministrorum. Prohibeo etiam regia auctoritate ne aliquis hominum siue minister meus siue alius in tota terra mea sit molestus Rahero Priori aut prefate Ecclesie de aliquibusque illius sunt neque se intromittant absque consensu Prioris vel fratrum. Clericorum autem vel laicorum nemo illius loci dominum vsurpare presumat. Confirmo etiam omnia privilegia

& donaciones & cartas vel quas habet vel quas habitura est a regibus a pontificibus vel a quibuscumque fidelibus et quecumque scriptis vel testimonijs bonorum rememorari et probari poterunt eidem ecclesie juste concessa vel adquisita : nullus ex his subtrahere aut disperdere qualibet occasione calumpnia iuditio aut potestate presumat. Post obitum vero Raherii prioris ex eadem congregacione eligatur prior qui dignus sit. Aliorsum autem nullus eligatur exactione siue pontificum siue Principum nisi manifestis criminibus inibi aliquis qui tali officio dignus sit fungi nequiuerit inveniri. Quod si evenerit quod absit potestatem habeant de alio noto et familiari loco priorem eligendi. Possessiones vero que ibi a quibus cumque donate fuerint vel empte sine consensu capitali ab ecclesia separate vel ad parvum servitium redacte numero regali priuilegio et auctoritate revocentur et regnum munimine locus ille perpetuo tueatur. Ipseque prior soli regi serviens commissum sibi gregem spirituali et temporali pastu habundantur foveat. Do etiam meam firmam pacem advenientibus ad feriam que solet ad festum beati Bartholomei in illo loco frequentari et inde redeuntibus et precipio ne aliquis regalium ministrorum eos in placitum mittat vel sine consensu Canonicorum in illo triduo scilicet in vigilia ipsius festi et ipso die et sequenti ab advenientibus consuetudines exigat. Hanc autem ecclesiam sciat omnis populus totius regni mei ita me manutenere et defendere quemadmodum coronam meam. Quod si quis huic numero regali priuilegio in aliquo contraire presumpserit vel priorem canonicos clericos laicosque ipsius loci offenderit ipse et omnes sui et omnia que habet in jus regale deveniant. Hec autem omnia prefate Ecclesie in perpetuum concessi pro amore Dei et salute mea et heredum meorum et pro animabus anticessorum

meorum. Adjuro ergo omnes heredes et successores meos in nomine sancte Trinitatis ut hunc sacrum locum regia auctoritate manuteneant et defendant et libertates a me sibi concessus concedant et confirment. Hujus autem mee concessionis testes sunt. Henricus Episcopus Wintonie Rogerus Episcopus Salisburie Bernardus Episcopus de Sancto David: Galfridus Cancelarius Stephanus Comes Moritainie Willelmus de Albini Brito Albericus de Ver Ricardus Basset Milo de Gloecestorie Paganus filius Johannis Robertus de Curci Hugo Bigot et alij plures Barones regni mei. Hanc autem cartam feci et confirmari precipi apud Westmonasterium Anno dominice incarnacionis M°.C°.xxxiij Regni autem mei anno tricessimotercio.

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